



ORRICK, HERRINGTON & SUTCLIFFE LLP  
1000 MARSH ROAD  
MENLO PARK, CA 94025  
tel 650-612-7470  
fax 650-612-7401  
www.orrick.com

September 3, 2008

Warrington S. Parker III  
(415) 773-5740  
wparker@orrick.com

*VIA E-MAIL ATTACHMENT*

Stephen S. Smith  
1900 Avenue of the Stars, 21st Floor  
Los Angeles, CA 90067  
[ssmith@ggfirm.com](mailto:ssmith@ggfirm.com)

Re: Facebook v. StudiVZ

Dear Mr. Smith:

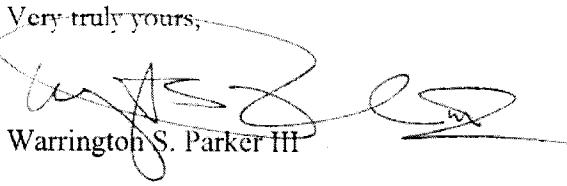
As your client intends to file motions to dismiss arguing that the court does not have personal jurisdiction over your clients, Facebook believes it is entitled to discovery in connection with that claim. I write to follow up on yesterday's conversation with Mr. Chatterjee in which you agreed that Facebook was entitled to such discovery to work out a schedule for the discovery.

Facebook intends to serve document requests and interrogatories on each defendant relating to the issue of personal jurisdiction. In addition, Facebook anticipates that it will depose a 30(b)(6) witness from each defendant on issues relating to personal jurisdiction and depose Ehssan Dariani and Dennis Bemann for the same reasons.

As we see no reason to await the filing of the motion, we would like to begin scheduling the depositions at the earliest convenient dates. We also intend to serve the written discovery by next week at the latest.

Of course, if you are not agreeable to discovery at this point, please let us know. We will file a motion requesting that the court permit discovery. We hope not to pursue this course, but we will if necessary.

Very truly yours,

  
Warrington S. Parker III